

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TYWANDA DENT, Individually,
and as Parent, Natural Guardian
and Next Friend of TYNELL
JIMMERSON, a Minor,

Plaintiff,

vs.

UNITED STATES of
AMERICA, a
Governmental Entity

Defendant.

CASE NO.:

COMPLAINT

COME NOW, Plaintiffs Tywanda Dent, Individually and as Parent, Natural Guardian and Next Friend of Tynell Jimmerson, a Minor, by and through their attorney of record, Greg Abboud and for their Complaint, respectfully state and allege as follows:

PARTIES

1. Plaintiff, Tywanda Dent was at all times relevant hereto a resident of Omaha, Douglas County, Nebraska.

2. Plaintiff, Tynell Jimmerson, a minor, was at all times relevant hereto a resident of Omaha, Douglas County, Nebraska.

3. Defendant, United States of America ("USA") is the federal government, who is the proper defendant pursuant to 28 U.S.C. § 2679(b)(1) for claims for money damages arising out of, or from, a negligent or wrongful act and/or omission of any federal employee

committed within the course and scope of their employment. The United States Department of Justice (“DOJ”) is a federal executive department of the USA with the Federal Bureau of Investigations (“FBI”) acting as its law enforcement agency. Robert Morrell (“Morrell”) was, at all times relevant hereto, an employee of the FBI, and was in the course and scope of his employment with the FBI at the time of the accident described herein.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this cause of action pursuant to 28 U.S.C. § 1346(b)(1), as this claim was brought under the Federal Tort Claims Act (“FTCA”) against the federal government for personal injuries caused by the negligence of a government employee acting within the course and scope of his employment.

5. Venue is proper pursuant to 28 U.S.C. § 1391(e)(1) and 28 U.S.C. § 1402(b) because Plaintiffs reside in, and the events that gave rise to this action occurred in, Omaha, Douglas County, Nebraska.

FACTS

6. This claim is made pursuant to 28 U.S.C §2675(a) and 28 C.F.R. §14.9(a). Plaintiffs have fulfilled all conditions precedent to the filing of this lawsuit, which actions include but are not necessarily limited to the following:

- a. On or about June 22, 2022, Plaintiffs duly filed and presented an administrative claim, pursuant to the FTCA, to the DOJ / FBI. (Exhibit “A”).
- b. On or about September 2, 2022, a final response was mailed by the DOJ / FBI, which denied Plaintiffs’ claim. (Exhibit “B”).
- c. Less than six (6) months have elapsed since the final denial of Plaintiffs’ claim was mailed.

7. At all times material to the Complaint, the FBI collaborated in a joint enterprise and/or joint venture with multiple local law enforcement agencies, including those from the Cities of Omaha and Papillion, Nebraska, to address the local violent crime problem. This joint enterprise and/or joint venture was called the “FBI Greater Omaha Violent Crimes Task Force” (“Task Force”).

8. At all times material to the Complaint, Morrell was an employee of the FBI as member of this Task Force and was on duty in an official capacity at the time of the accident described herein.

9. At all times material to the Complaint, Morrell was acting within the course and scope of his employment with the FBI, thereby making the Defendant vicariously liable for Morrell’s negligence.

10. On July 23, 2020, at approximately 3:44 p.m., at or near North 60th Street and Pratt Street, in Omaha, Douglas County, Nebraska, a 2005 Hyundai Santa Fe, in which Plaintiff Tynell Jimmerson was a passenger, was traveling eastbound on Pratt Street, when the operator of the Hyundai Santa Fe collided with another vehicle at or near North 60th Street, then struck a traffic pole. At the time of the accident, the Hyundai Santa Fe was being pursued by Morrell in another vehicle.

11. As a direct and proximate result of the negligence of Morrell, Plaintiff, Tynell Jimmerson was caused to, and did, sustain serious personal injuries.

12. Defendant is strictly liable for the personal injuries suffered by Plaintiff, Tynell Jimmerson, pursuant to the provisions of Neb. Rev. Stat. §13-911, which imposes such strict liability when

personal injuries are sustained during a vehicular pursuit by a law enforcement officer.

13. As a direct and proximate result of the negligence of Morrell, Plaintiff Tynell Jimmerson has experienced permanent injury, disability in the past and future, medical care and expenses in the past and future, lost work time, loss future earning capacity, physical pain, mental suffering, and emotional distress in the past, and it is reasonably certain that he will sustain physical pain, mental suffering and emotional suffering in the future.

14. Said injuries have caused Plaintiff, Tynell Jimmerson to experience physical and mental pain and discomfort and have required Plaintiff, Tynell Jimmerson to undergo protracted medical treatment and will require future medical treatment.

15. At the time of the collision, Plaintiff Tynell Jimmerson was 16 years of age, in good health and had a life expectancy of 63.3 years.

16. As a result of the foregoing, Plaintiff Tynell Jimmerson has sustained present special damages in the amount of \$34,533.85.

WHEREFORE, Plaintiffs demand judgment against the Defendant, in the amount of \$34,533.85, together with interest, the cost and disbursements of this action and such other and further relief as the Court may deem just and proper.

Dated this 18th day of February, 2023.

TYWANDA DENT, Individually,
and as Parent, Natural Guardian
and Next Friend of TYNELL
JIMMERSON, a Minor,
Plaintiff

BY: /s/ Greg Abboud

Greg Abboud, #17232

FOR: Abboud Law Firm

6530 S. 84th St.

Omaha, NE 68127

T: 402-592-5555/F: 402-331-4569

E-mail: greg@abboudlawfirm.com